

LAWYERS' ADVISORY COMMITTEE MINUTES

June 14, 2006

TRENTON, NJ

Chairperson Joe Casello opened the meeting with Judges Wizmur, Ferguson, Lyons and Stern in attendance.

1. The minutes from the February 2006 LAC meeting were approved.

2. Committee Reports:

a. Chapter 13 Subcommittee

Jamie Finberg had nothing to report.

c. Attorney Discipline Mentor Committee: Bunce Atkinson was not able to attend the meeting. As a result, there was no report.

d. Clerk's Report

Jim Waldron reported that filings rose through March and then dipped in April and May. He also reported that the Clerk's office has changed its operating system.

Jim also reported that Michael Kaplan was appointed the ninth Bankruptcy Judge

Jim reported that new local rules and forms are posted on the Court website, and that at Judge Wizmur's request, the Court website is being revised and improved. There was also a discussion about linking official forms in various ways on the website.

e. Liaison Reports

US Trustee: Martha Hildebrandt announced that applications were being taken for the Chapter 13 trustee position that will be vacated when Michael Kaplan takes the bench. There was a discussion on debtor education programs and it was announced that there is an internship summer program in Newark.

District Court: Frank Vecchione was not in attendance, as a result, there was no district court report.

NJ Bar Bankruptcy Section: Diane Vuocolo reported that there will be a dinner honoring Judge Wizmur on October 17, 2006. She also reported that there is an ad hoc Third Circuit committee that is discussing a meeting for next year.

IRS: Patricia Delzotti was absent and there was no report.

NJ Attorney General: There was no report from the Attorney General's office.

B. Old Business

Payment history for mortgages: Local Form 16 is to be amended to include check numbers to assist in tracking payments.

Fee survey: The fee survey resulted in approval of a no look flat fee of \$3000 in Chapter 13 cases.

Fee applications: It was suggested that cover sheets for Chapter 7, 11 and 13 cases need to be examined to determine whether they need to be revised for cases filed after October 17, 2005. It was determined that pre BAPCPA cases do not have this issue.

Len Wizmur expressed concern about supplemental fee applications, and which fee applies for work done before the new no look fees were approved.

C. New Business

Auctioneer Fees

A discussion began on the issue auctioneer fees, a letter from William Comly and the issue of why we need a local rule on auctioneer fees. Len Wizumr and Joe Casello both stated that the rule had been in place for some time. Bruce Beuchler said that it was his belief New Jersey is the only state in the nation with such a rule. Judge Stern express concern about the risk of some abuse and impact on the administration of the estate of the auctioneer fee "floats". It was decided that a committee be formed to look at the issue. The committee is composed of Warren Martin as Chairman, and Bruce Beuchler, Valerie Hamilton and Diane Vuocolo. The committee will review how other jurisdictions deal with the issue and whether there is a need to change or eliminate the local rule.

Form certifications and orders for sale or refinance in Chapter 13 cases: The issue of preparing a form order and a form certification for sales or refinances in Chapter 13 cases was turned over to Jamie Finberg and the Chapter 13 subcommittee to review for possible recommendations.

Standing trustees notice regarding distribution in Chapter 13 cases: There was a discussion that in Chapter 13 cases, confirmation will occur before the claims bar date and no disbursements to unsecured creditors will occur until after the bar date. The notice regarding distributions will be done after the entry of the confirmation order and the expiration of the claims bar date.

Secured creditors claims for fees for post-petition services: A discussion began concerning the necessity for fee applications to be made in support of counsel fees appearing in claims filed by creditors for post-petition services. This issue remained open following the discussion and is being examined by Marie-Ann Greenberg.

Procedure for amending schedules A, B and C/ local rule 1009-1: An inquiry from Steve Neuner was received on this issue and it was decided that the matter be referred to the Chapter 7 Trustees for further review.

Standard form of order resolving motions to vacate, dismiss or certifications of default: A proposed form of order was presented for review. It was recommended that the form be sent to the Judges for their review and comments.

Equal Justice Conference: Judge Ferguson announced that it is anticipated that there will be a great influx of filings in Mississippi and Louisiana as a result of Hurricane Katrina, and that a committee is being formed to assist in pro bono filings in those areas. She stated that if anyone wished to travel to Louisiana to assist that they contact her.

Closing Remarks:

John Morton was appointed the next Chairman of the LAC to replace Joe Casello.

The next meeting was scheduled for 9-20-06 at a location to be announced.